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18 MARIBEL MURILLO

19  
20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 MARIBEL MURILLO, individually  
23 and as successor-in-interest of the  
24 estate of deceased, JONATHAN  
25 MURILLO-NIX,

26 Plaintiff,

27 vs.

28 CITY OF LOS ANGELES, a  
29 governmental entity; JESUS  
30 MARTINEZ, individually; KYLE  
31 GRIFFIN, individually; and DOES 1-  
32 10, inclusive,

33 Defendants.

34 Case No.: 2:22-cv-03188 DMG (SKx)

35 [Honorable Dolly M. Gee]  
36 Magistrate Judge Steve Kim

37 **DECLARATION OF MARCEL F.**  
38 **SINCICH IN SUPPORT OF**  
39 **PLAINTIFF'S OPPOSITIONS TO**  
40 **DEFENDANTS' RESPECTIVE**  
41 **MOTIONS FOR SUMMARY**  
42 **JUDGMENT**

43 MSJ Date: December 15, 2023  
44 Time: 9:30 a.m.  
45 Judge: Hon. Dolly M. Gee  
46 Courtroom 8C, 8th Floor

**DECLARATION OF MARCEL F. SINCICH**

I, Marcel F. Sincich, hereby declare as follows:

3 I am an attorney duly licensed to practice law in the State of California and  
4 the United States District Court for the Central District of California. I am one of the  
5 attorneys of record for the Plaintiff. I make this declaration in support of Plaintiff's  
6 Opposition to Defendants' Motion for Summary Judgment (Doc. 44). I have  
7 personal knowledge of the facts contained herein and could testify competently  
8 thereto if called.

9       1. Attached hereto as “**Exhibit 1**” is a true and correct copy of the  
10 relevant portions of the September 27, 2023, Deposition Transcript of Defendant  
11 Officer Kyle Griffin (“**Exh. 1, Griffin Depo.**”).

12        2. Attached hereto as “**Exhibit 2**” is a true and correct copy of the  
13 relevant portions of the February 1, 2022, First Statement of Officer Kyle Griffin  
14 (“**Exh. 2, Griffin Statement I**”), produced by Defendants during discovery as  
15 CITY 1022-1043. [Subject to this Court’s ruling on Plaintiff’s request to file under  
16 seal, Doc. 49.]

17       3. Attached hereto as “**Exhibit 3**” is a true and correct copy of the  
18 relevant portions of the February 2, 2022, Second Statement of Officer Kyle Griffin  
19 (“**Exh. 3, Griffin Statement II**”), produced by Defendants during discovery as  
20 CITY 1044-1107. [Subject to this Court’s ruling on Plaintiff’s request to file under  
21 seal, Doc. 49.]

22       4. Attached hereto as “**Exhibit 4**” is a true and correct copy of the  
23 relevant portions of the September 27, 2023, Deposition Transcript of Defendant  
24 Officer Jesus Martinez (“**Exh. 4, Martinez Depo.**”).

25       5. Attached hereto as “**Exhibit 5**” is a true and correct copy of the  
26 relevant portions of the February 1, 2022, First Statement of Officer Jesus Martinez  
27 (“**Exh. 5, Martinez Statement I**”), produced by Defendants during discovery as

1 CITY 802-824. [Subject to this Court's ruling on Plaintiff's request to file under  
 2 seal, Doc. 49.]

3       6. Attached hereto as "**Exhibit 6**" is a true and correct copy of the  
 4 relevant portions of the February 2, 2022, Second Statement of Officer Jesus  
 5 Martinez ("**Exh. 6, Martinez Statement II**"), produced by Defendants during  
 6 discovery as CITY 825-890. [Subject to this Court's ruling on Plaintiff's request to  
 7 file under seal, Doc. 49.]

8       7. Attached hereto as "**Exhibit 7**" is a true and correct copy of the  
 9 relevant portions of the February 2, 2022, Statement of Sergeant Francisco Alferez  
 10 ("**Exh. 7, Alferez Statement**"), produced by Defendants during discovery as CITY  
 11 1317-1388 and produced by the County of Los Angeles District Attorney's Office  
 12 via Subpoena as LADA 903-974. [Subject to this Court's ruling on Plaintiff's  
 13 request to file under seal, Doc. 49.]

14       8. Attached hereto as "**Exhibit 8**" is a true and correct copy of the  
 15 relevant portions of the February 8, 2022, Statement of Officer Nicholas Knolls  
 16 ("**Exh. 8, Knolls Statement**"), produced by Defendants during discovery as CITY  
 17 1211-1266 and produced by the County of Los Angeles District Attorney's Office  
 18 via Subpoena as LADA 797-852. [Subject to this Court's ruling on Plaintiff's  
 19 request to file under seal, Doc. 49.]

20       9. Attached hereto as "**Exhibit 9**" is a true and correct copy of the  
 21 relevant portions of the February 2, 2022, Statement of Officer Eric Schlesinger  
 22 ("**Exh. 9, Schlesinger Statement**"), produced by Defendants during discovery as  
 23 CITY 581-650 and produced by the County of Los Angeles District Attorney's  
 24 Office via Subpoena as LADA 352-411. [Subject to this Court's ruling on Plaintiff's  
 25 request to file under seal, Doc. 49.]

26       10. Attached hereto as "**Exhibit 10**" is a true and correct copy of the  
 27 relevant portions of the February 7, 2022, Statement of Officer Daniel Frazer ("**Exh.**  
 28 **10, Frazer Statement**"), produced by Defendants during discovery as CITY 509-

1 536 and produced by the County of Los Angeles District Attorney's Office via  
 2 Subpoena as LADA 270-297. [Subject to this Court's ruling on Plaintiff's request to  
 3 file under seal, Doc. 49.]

4       11. Attached hereto as "**Exhibit 11**" is a true and correct copy of the  
 5 relevant portions of the February 10, 2022, Statement of Officer Georgiy  
 6 Tykhomryov ("**Exh. 11, Tykhomryov Statement**"), produced by Defendants  
 7 during discovery as CITY 689-715 and produced by the County of Los Angeles  
 8 District Attorney's Office via Subpoena as LADA 450-477. [Subject to this Court's  
 9 ruling on Plaintiff's request to file under seal, Doc. 49.]

10      12. Attached hereto as "**Exhibit 12**" is a true and correct copy of the  
 11 relevant portions of the February 22, 2022, Statement of Officer Joshua Carlos  
 12 ("**Exh. 12, Carlos Statement**"), produced by the County of Los Angeles District  
 13 Attorney's Office via Subpoena as LADA 595-645. [Subject to this Court's ruling  
 14 on Plaintiff's request to file under seal, Doc. 49.]

15      13. Attached hereto as "**Exhibit 13**" is a true and correct copy of the  
 16 relevant portions of the February 22, 2022, Statement of Officer Luis Lopez ("**Exh.**  
 17 **13, Lopez Statement**"), produced by Defendants during discovery as CITY 1108-  
 18 1149 and produced by the County of Los Angeles District Attorney's Office via  
 19 Subpoena as LADA 694-735. [Subject to this Court's ruling on Plaintiff's request to  
 20 file under seal, Doc. 49.]

21      14. Attached hereto as "**Exhibit 14**" is a true and correct copy of the  
 22 relevant portions of the February 2, 2022, Statement of Officer Marcos Gutierrez  
 23 ("**Exh. 14, Gutierrez Statement**"), produced by Defendants during discovery as  
 24 CITY 1150-1177 and produced by the County of Los Angeles District Attorney's  
 25 Office via Subpoena as LADA 736-763. [Subject to this Court's ruling on Plaintiff's  
 26 request to file under seal, Doc. 49.]

27      15. Attached hereto as "**Exhibit 15**" is a true and correct copy of the  
 28 relevant portions of the February 8, 2022, Statement of Officer Sabrina Martinez

1 (“**Exh. 15, S.Martinez Statement**”), produced by Defendants during discovery as  
 2 CITY 1267-1303 and produced by the County of Los Angeles District Attorney’s  
 3 Office via Subpoena as LADA 853-889. [Subject to this Court’s ruling on Plaintiff’s  
 4 request to file under seal, Doc. 49.]

5       16. Attached hereto as “**Exhibit 16**” is a true and correct copy of the  
 6 relevant portions of the February 4, 2022, Statement of Officer Michael Proni  
 7 (“**Exh. 16, Proni Statement**”), produced by Defendants during discovery as CITY  
 8 1178-1210 and produced by the County of Los Angeles District Attorney’s Office  
 9 via Subpoena as LADA 764-796. [Subject to this Court’s ruling on Plaintiff’s  
 10 request to file under seal, Doc. 49.]

11       17. Attached hereto as “**Exhibit 17**” is a true and correct copy of the  
 12 relevant portions of the February 2, 2022, Statement of Officer Eduardo Piche  
 13 (“**Exh. 17, Piche Statement**”), produced by Defendants during discovery as CITY  
 14 537-580 and produced by the County of Los Angeles District Attorney’s Office via  
 15 Subpoena as LADA 298-341. [Subject to this Court’s ruling on Plaintiff’s request to  
 16 file under seal, Doc. 49.]

17       18. Attached hereto as “**Exhibit 18**” is a true and correct copy of the  
 18 relevant portions of the County of Los Angeles Department of Medical Examiner-  
 19 Coroner Autopsy Report of Decedent Jonathen Murillo-Nix (“**Exh. 18, Autopsy**  
 20 **Report**”), produced by Defendants during discovery as CITY 308-322. [Subject to  
 21 this Court’s ruling on Plaintiff’s request to file under seal, Doc. 49.]

22       19. Attached hereto as “**Exhibit 19**” is a true and correct copy of the select  
 23 photographs taken during the autopsy of Decedent Jonathen Murillo-Nix (“**Exh. 19,**  
 24 **Autopsy Photos**”).

25       20. Attached hereto as “**Exhibit 20**” is a true and correct copy of the Los  
 26 Angeles Force Investigation Division Report (“**Exh. 20, FID Report**”), produced  
 27 by Defendants during discovery as CITY 208-246 and produced by the County of  
 28

1 Los Angeles District Attorney's Office via Subpoena as LADA 11-46. [Subject to  
 2 this Court's ruling on Plaintiff's request to file under seal, Doc. 49.]

3       21. Attached hereto as "**Exhibit 21**" is a true and correct copy of the  
 4 January 10, 2023, Abridged Summary Categorical Use of Force Incident and  
 5 Findings by the Los Angeles Board of Police Commissioners ("**Exh. 21, BOPC**  
 6 **Findings**"), published on the Los Angeles Police Department website at  
 7 (<https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/004-22-PR-OIS-FINAL.pdf>).).

9       22. Attached hereto as "**Exhibit 22**" is a true and correct copy of the select  
 10 photographs of involved officer weapons, ("**Exh. 22, Officer Weapons Photos**"),  
 11 produced by Defendants during discovery. [Subject to this Court's ruling on  
 12 Plaintiff's request to file under seal, Doc. 49.]

13       23. Attached hereto as "**Exhibit 23**" is a true and correct copy of the select  
 14 photographs of the incident scene, ("**Exh. 23, Scene Photos**"), produced by  
 15 Defendants during discovery. [Subject to this Court's ruling on Plaintiff's request to  
 16 file under seal, Doc. 49.]

17       24. Attached hereto as "**Exhibit 24**" is a true and correct copy of the  
 18 relevant portion of the Officer Eric Schlesinger Body-Worn Camera Video of the  
 19 Officer-Involved Shooting Incident ("**Exh. 24, Schlesinger BWC of OIS**"),  
 20 produced as is by the County of Los Angeles District Attorney's Office via  
 21 Subpoena and the full-length video produced by Defendants during discovery as  
 22 CITY 2238. This is a video file and will be lodged manually with the Court pursuant  
 23 to Local Rule 11-5.1.

24       25. Attached hereto as "**Exhibit 25**" is a true and correct copy of the  
 25 relevant portion of the Officer Marcos Gutierrez Body-Worn Camera Video of the  
 26 Officer-Involved Shooting Incident ("**Exh. 25, Gutierrez BWC of OIS**"), produced  
 27 as is by the County of Los Angeles District Attorney's Office via Subpoena and the  
 28

1 full-length video produced by Defendants during discovery as CITY 2245. This is a  
2 video file and will be lodged manually with the Court pursuant to Local Rule 11-5.1.

3       26. Attached hereto as “**Exhibit 26**” is a true and correct copy of the  
4 relevant portion of the Officer Marcos Gutierrez Body-Worn Camera Video of the  
5 Officer-Involved Shooting Incident at 12 frames per second (“**Exh. 26, Gutierrez**  
6 **BWC at 12fps**”), produced as is by the County of Los Angeles District Attorney’s  
7 Office via Subpoena and the full-length video produced by Defendants during  
8 discovery as CITY 2245. This is a video file and will be lodged manually with the  
9 Court pursuant to Local Rule 11-5.1.

10       27. Attached hereto as “**Exhibit 27**” is a true and correct copy of  
11 **Screenshots of the Officer Marcos Gutierrez Body-Worn Camera Video of the**  
12 **Officer-Involved Shooting Incident.**

13       28. Attached hereto as “**Exhibit 28**” is a true and correct copy of the  
14 relevant portion of the Officer Kyle Griffin Body-Worn Camera Video of the  
15 Officer-Involved Shooting Incident (“**Exh. 28, Griffin BWC of OIS**”), produced as  
16 is by the County of Los Angeles District Attorney’s Office via Subpoena and the  
17 full-length video produced by Defendants during discovery as CITY 2256. This is a  
18 video file and will be lodged manually with the Court pursuant to Local Rule 11-5.1.

19       29. Attached hereto as “**Exhibit 29**” is a true and correct copy of the  
20 relevant portion of the Officer Kyle Griffin Body-Worn Camera Video of the  
21 Officer-Involved Shooting Incident at 12 frames per second (“**Exh. 29, Griffin**  
22 **BWC at 12fps**”), produced as is by the County of Los Angeles District Attorney’s  
23 Office via Subpoena and the full-length video produced by Defendants during  
24 discovery as CITY 2256. This is a video file and will be lodged manually with the  
25 Court pursuant to Local Rule 11-5.1.

26       30. Attached hereto as “**Exhibit 30**” is a true and correct copy of  
27 **Screenshots of the Officer Kyle Griffin Body-Worn Camera Video of the**  
28 **Officer-Involved Shooting Incident.**

1       31. Attached hereto as “**Exhibit 31**” is a true and correct copy of the  
2 relevant portion of the Officer Jesus Martinez Body-Worn Camera Video of the  
3 Officer-Involved Shooting Incident (“**Exh. 31, Martinez BWC of OIS**”), produced  
4 as is by the County of Los Angeles District Attorney’s Office via Subpoena and the  
5 full-length video produced by Defendants during discovery as CITY 2257. This is a  
6 video file and will be lodged manually with the Court pursuant to Local Rule 11-5.1.

7       32. Attached hereto as “**Exhibit 32**” is a true and correct copy of the  
8 relevant portion of the Officer Jesus Martinez Body-Worn Camera Video of the  
9 Officer-Involved Shooting Incident at 12 frames per second (“**Exh. 32, Martinez**  
10 **BWC at 12fps**”), produced as is by the County of Los Angeles District Attorney’s  
11 Office via Subpoena and the full-length video produced by Defendants during  
12 discovery as CITY 2257. This is a video file and will be lodged manually with the  
13 Court pursuant to Local Rule 11-5.1.

14       33. Attached hereto as “**Exhibit 33**” is a true and correct copy of  
15 **Screenshots of the Officer Nicholas Knolls Body-Worn Camera Video of the**  
16 **Officer-Involved Shooting Incident.**

17       34. Attached hereto as “**Exhibit 34**” is a true and correct copy of the  
18 relevant portion of the Officer Nicholas Knolls Body-Worn Camera Video of the  
19 Officer-Involved Shooting Incident (“**Exh. 34, Knolls BWC of OIS**”), produced as  
20 is by the County of Los Angeles District Attorney’s Office via Subpoena and the  
21 full-length video produced by Defendants during discovery as CITY 2250. This is a  
22 video file and will be lodged manually with the Court pursuant to Local Rule 11-5.1.

23       35. Attached hereto as “**Exhibit 35**” is a true and correct copy of the  
24 relevant portion of the Officer Nicholas Knolls Body-Worn Camera Video of the  
25 Officer-Involved Shooting Incident at 12 frames per second (“**Exh. 35, Knolls**  
26 **BWC at 12fps**”), produced as is by the County of Los Angeles District Attorney’s  
27 Office via Subpoena and the full-length video produced by Defendants during

1 discovery as CITY 2250. This is a video file and will be lodged manually with the  
2 Court pursuant to Local Rule 11-5.1.

3       36. Attached hereto as “**Exhibit 36**” is a true and correct copy of the  
4 screenshots to the body-worn camera videos of Officers Gutierrez, Griffin, and  
5 Knolls which are attached above as Exhibits 26, 28, and 35 respectively, combined  
6 with annotation of time when force was used. Plaintiff submits this Exhibit as a  
7 demonstrative to assist the Court. The Court has the authority to control the mode of  
8 presenting evidence. Fed. R. Evid. 611. The Court can accept this demonstrative  
9 because producing and evaluating every frame of multiple videos simultaneously  
10 would constitute voluminous photographs that cannot be conveniently examined by  
11 the Court. Fed. R. Evid. 1006. Plaintiff’s demonstratives streamline the process of  
12 viewing the objective facts, including in the light most favorable to the non-  
13 movants, by synthesizing the videos into graphics that show Defendants’  
14 inconsistencies and contradictions. *See Scott v. Henrich*, 39 F.3d 912, 915 (9th Cir.  
15 1994); *Sandifer v. U.S. Steel Corp.*, 678 F.3d 590, 592 (7th Cir. 2012), aff’d, 571  
16 U.S. 220 (2014) (stating, “since a picture is worth a thousand words, here is a  
17 photograph of a man modeling the clothes”); *Atwood v. Ryan*, 870 F.3d 1033, 1066-  
18 79 (9th Cir. 2017); *United States v. Kelly*, 874 F.3d 1037, 1045 (9th Cir. 2017).

20 I declare under penalty of perjury under the laws of the United States that the  
21 foregoing is true and correct. Executed this 22nd day of November 2023.

Marcel F. Sincich